

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

**KENNETH COZART, in his own right
and on behalf of others similarly situated;**

Plaintiff,

v.

**CIVIL ACTION NO 5:18-cv-00397
Honorable Judge Irene C. Berger**

**BLUESTONE INDUSTRIES, INC., and
JILLEAN L. JUSTICE, JAMES C. JUSTICE III,
JAMES T. MILLER, individually**

Defendants.

PLAINTIFF'S MOTION FOR SANCTIONS

COMES NOW the Plaintiff, by counsel, and file this Motion for Sanctions.

In support thereof, the Plaintiff states as follows:

1. The depositions of Stephen Ball, Jillean L. Justice, James T. Miller, James C. Justice, III, and Lindsey Wells were originally set on January 28, 2019 (Attached as Exhibit A are the Notices of Deposition).
2. That date was cancelled by the Defendants so they were rescheduled for February 20, 2019. The same individuals were to be deposed (Attached as Exhibit B are the Amended Notices of Deposition).
3. The day before the scheduled depositions, they were unilaterally cancelled by the Defendants.
4. The depositions were unilaterally cancelled by the Defendants even though the date was cleared and agreed upon by all parties prior to setting the depositions.

5. Further, at no point prior to unilaterally cancelling the depositions, did any of the Defendants seek a protective order or request some other accommodation.

WHEREFORE, as the Defendants have unilaterally cancelled depositions on two occasions, and this, combined with the multiple motions to compel the Plaintiff has been forced to file to simply get discovery responses. The Plaintiff requests that appropriate sanctions be entered against the Defendants herein.

PLAINTIFF,

BY COUNSEL

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Defendants.

CERTIFICATE OF SERVICE

I, the undersigned counsel for Plaintiff, do hereby certify that the foregoing **Plaintiff's Motion for Sanctions** has been filed with the Court on this 22nd day of February, 2019, using the CM/ECF system.

/s/ Greg A. Hewitt
Greg A. Hewitt (WVSB 7457)
Counsel for Plaintiff